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LETTER DATED 6 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit, enclosed herewith, a letter from the Vice-President of the Government of the Republic of Croatia dated 5 November 1992, submitting the relevant documents* in accordance with the relevant provisions of Security Council resolutions 771 (1992) and 780 (1991).

I kindly request your assistance in distributing this letter and its annex as a document of the Security Council.

(Signed) Ambassador Dr. Mario NOBILO
Permanent Representative

* The documents may be consulted in room S-3520.

Annex

Letter dated 5 November 1992 from the Vice-President of the Government of the Republic of Croatia addressed to the President of the Security Council

Acting on behalf of the Government of the Republic of Croatia, I have the honour to enclose the report of the Republic of Croatia to the United Nations Security Council pursuant to paragraph 5 of resolution 771 (1992) and paragraph 1 of resolution 780 (1992).

1. By paragraph 5 of Security Council resolution 771 (1992) of 13 August 1992, the Council called upon States and humanitarian organizations to collate information about the grave breaches of the Geneva Conventions and humanitarian law in the territory of the former Yugoslavia.

By paragraph 1 of Security Council resolution 780 (1992) of 5 October 1992, inter alia, the Council's call upon the international community, States and humanitarian organizations was repeated and confirmed to collate all information in their possession relating to grave breaches of the Geneva Conventions and humanitarian law in the territory of the former Yugoslavia, with the time for the delivery.

By paragraph 2 of Security Council resolution 780 (1992), the establishment of the Commission of independent experts is foreseen to investigate and analyse given data. The United Nations War Crimes Commission to which the documents collected in accordance with paragraphs 5 and 1 of Security Council resolutions 771 (1992) and 780 (1992) are to be directed, was, according to the official statement, appointed on 23 October 1992.

The Government of the Republic of Croatia, at the session held on 22 November 1991, stated the Proposition for establishing the international court for war crimes, by which the Government proposes to the United Nations, the European Community (EC) and the Conference on Security and Cooperation in Europe (CSCE), as well as to Governments of Member States, to establish the permanent international court for war crimes and other crimes against humanity and international law.

The Government of the Republic of Croatia therefore highly appreciates today's efforts of the international organizations for the inception of such international tribunals: the European Council (Report of the Parliamentary Assembly, document 6587 of 26 March 1992), the United Nations Commission on Human Rights Special Rapporteur, Mr. Tadeusz Mazowiecki (Report pursuant to paragraph 14 of resolution 1992/S-1/1 of 14 August 1992), Commission of the Group of Rapporteurs under the Moscow (Human Dimension) Mechanism to Croatia (Corell-Türk-Thune, 30 September to 5 October, of 7 October 1992) and the standpoints of the European Community stated at the London summit.

On behalf of the Government of the Republic of Croatia, I express deep gratitude to you and the United Nations for appointing the United Nations War Crimes Commission headed by respected Professor Fritz Karlshoven.

The Republic of Croatia will secure all prerequisites for visits of expert missions of States and international organizations, access to documents and witnesses, to determine relevant facts on the whole of its territory.

2. Since the beginning of the hostilities, the Republic of Croatia has been meeting requests of the international community leading to a peaceful and political solution of the crisis and the war. The Republic of Croatia is an active participant of all processes and efforts of international and regional organizations leading to peace. The Republic of Croatia has enabled the representatives of States, special report missions of the United Nations, EC and CSCE, to have direct access to facts, statements and processes which are a part of aggression or its consequences.

The Republic of Croatia expediently and without complaint carried out adaptation of its legislation and legal system to the contemporary legal and general achievements of civilization. National minorities are fully protected. The Croatian Parliament passed the Law on abolition of criminal prosecution for criminal acts committed in the war against the Republic of Croatia, at the same time reserving the right for its judicial bodies only to prosecute acts and perpetrators as the Republic of Croatia is mandated to prosecute under the provisions of international law.

Thereby the Republic of Croatia gives its full support to the compliance with decisions of United Nations Security Council resolution 762 (1992), the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, and United Nations General Assembly resolution 3074 (XXVIII) of 3 December 1973, which establishes principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.

3. The Government of the Republic of Croatia has systematically drawn the attention of the European and world public to the grave breaches of Geneva Conventions and violations of humanitarian law on the part of the aggressor. Proceeding on events and perpetrators defined by place, time, legal and medical qualifications, we also refer to the data which have already been sent to the United Nations Security Council (the letter of the Government's Commission for the United Nations Protection Force (UNPROFOR) of 19 August 1992, pursuant to paragraph 5 of resolution 771 (1992); the book Mass Killing and Genocide in Croatia, 1991-1992: a book of evidence).

The Government of the Republic of Croatia has delivered its answers and commentaries upon the request of the United Nations Commission on Human Rights (in accordance with paragraph 1 of the Commission for Human Rights decision in the preparation of the Commission's session to be held between 2 and 4 November 1992) and the CSCE office for Democratic Institutions and Human Rights (in accordance with the Report of the Corell-Türk-Thune Mission) and

will be an active participant at the forthcoming sessions of the Commission at Geneva (2 November to 4 November 1992) and CSCE high officials (5 November 1992).

4. The Government of the Republic of Croatia calls upon the United Nations Security Council to undertake an effective action of the international community in the implementation of the Vance Plan, preventing and combating the policy of "ethnic cleansing" in the territory of the former Yugoslavia and putting to an end the violations of the sanctions imposed by Security Council resolution 757 (1992) against the Federal Republic of Yugoslavia.

The Government of the Republic of Croatia calls upon States and international organizations to collate information in their possession or submitted to them relating to the violations of humanitarian law in the territory of the former Yugoslavia.

The Government of the Republic of Croatia brings to the attention of the Security Council the relevant information that has been collated by members of civil and military components of UNPROFOR, within its mandate, on the basis of their work and knowledge. I suggest, therefore, that UNPROFOR pass on the mentioned data to the United Nations for the War Crimes Commission.

(Signed) Vladimir ŠEKS
Vice-President of the
Government of the
Republic of Croatia